



Appeal Decision

Site visit made on 21 October 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2020

Appeal Ref: APP/B9506/W/20/3254908

Lepe House, Flexford Lane, Sway SO41 6DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Pyatt against the decision of New Forest National Park Authority.
 - The application Ref 20/00026, dated 10 January 2020, was refused by notice dated 30 March 2020.
 - The development proposed is change of use to barn and stables; cladding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to the site plan Ref 214.05 Rev A although a later revision, B, was submitted with the appeal. The appellant has clarified that the later revision was in the Council's possession and it does appear that the Council assessed the scheme as shown in this plan. As such, I have considered the appeal on the basis of plan Ref 214.05 Rev B.
3. The Council's decision notice refers to the nearby listed building as grade II though the formal listing description indicates that it is in fact grade II*. This means that it is a particularly important building of more than special interest. The Council's Statement of Case reflects the correct grading of the building.

Main Issues

4. The main issues are the effects of the proposal on the character and appearance of the area, the Sway Tower Conservation Area and on the setting of the grade II* listed Peterson's Tower.

Reasons

5. The proposal involves affixing timber cladding to the sides and metal sheeting to the roof of an existing skeletal frame which was once a glasshouse. The building would be put to use as a stable block and associated storage area for equestrian use and the remaining internal section (of around 185 sqm) would be used for unspecified agricultural purposes. Some of the existing stable buildings and storage containers dotted around the main yard area would be removed.
6. The former glasshouse structure and existing nearby agricultural and equestrian buildings sit within the setting of the grade II* listed Peterson's Tower. The site also falls entirely within the Sway Tower Conservation Area

- (CA). Under Sections 66(1) and 72(1) of the Listed Building and Conservation Areas Act 1990, and the National Planning Policy Framework (the Framework), my statutory duties involve the consideration of any harm to, or loss of, the significance of any designated heritage assets from either their alteration or from development within their respective settings. Such harm requires clear and convincing justification and attracts considerable weight and importance.
7. Peterson's Tower is a listed folly tower which is significant for its construction from mass concrete built in lifts between 1879 and 1885, making it a remarkably early example of concrete construction. It was built by ATT Peterson, who is heralded as a pioneer of the use of mass concrete, along with his locally-employed construction workforce. At approximately 66 metres high, the deliberately decorated tower is visually striking and is a significantly prominent local landmark.
 8. The Sway Tower Conservation Area Character Appraisal¹ indicates that a particularly special quality of the CA is that it is dominated by Peterson's Tower. It is a small, linear settlement but for such a small area, the concentration of listed buildings is relatively high, with the grade II* tower and eight grade II listed buildings, the majority of which include some relevance to ATT Peterson, either through their initial construction, occupation or adaptation by him. Notable other listed buildings within the CA include the trial tower (a grade II listed building), Arnewood Court and a piggery building at Towers Farm. Notwithstanding that its primary significance relates to the unique legacy of ATT Peterson, the CA has many buildings (some unlisted) which have local, vernacular or cultural interest. The rural setting, and views within the CA, albeit restricted, all contribute to the characteristics and qualities of the CA.
 9. Despite the division by either fencing or low hedgerows, the site has a generally open character and views are afforded towards Peterson's Tower from an easterly direction from Flexford Lane through an opening and in glimpses through the nearby hedgerow. In these views, the existing low lying buildings are not readily apparent or prominent. In contrast to this, the glasshouse frame is of such a scale and height that it is visible and despite the intervening backdrop of a cluster of trees, it appears as an incongruous feature. Whilst the Council's view is that it is currently inconspicuous and would have been so with the glass frames in place, in my view, due to its siting, scale, form and appearance, it is to a degree harmful to the character and appearance of the area, the CA and the setting of Peterson's Tower.
 10. The proposal to clad the structure with timber around its sides and add metal sheet roofing would make it more prominent, solid and visually impermeable. The result would be to further erode the degree of openness currently afforded by the site to the CA and the setting of Peterson's Tower. Though it would be modestly smaller than the existing frame (through the removal of an end section) and may be structurally capable of being adapted in such a manner, this reduction in size would not overcome the harm from its siting, overall height, form, massing and from its appearance.
 11. Whilst I note that the proposal would involve the removal of a number of smaller structures and in effect, consolidate the collection of buildings under one roof, due to the scale, siting and appearance of the structure, it would result in greater harm than would be the case if the current structures were left

¹ Brockenhurst, The Weirs and Sway Conservation Area Character Appraisals (2010)

in situ. Whilst regrettably, the glasshouse frame would be likely to further deteriorate over time unless removed, there would be greater harm from solidifying and further preserving the structure in the manner proposed.

12. In view of the above, the proposal would harm the character and appearance of the area, the character and appearance of the CA and the setting of Peterson's Tower, thus harming their respective significance. It would therefore conflict with Policies DP2, DP50, DP52 and SP7 of the New Forest National Park Local Plan 2016 – 2036 (adopted 2019). These policies, amongst other things, seek to ensure that development proposals demonstrate high quality design and construction which conserves and enhances local character and distinctiveness and in relation to stables and agricultural buildings, are not large, obtrusive structures or insensitively sited.
13. For similar reasons, the proposal would also conflict with Policy SP16 of the same, which seeks to ensure that proposals do not harm the special interest, character or appearance of a conservation area and do not harm the significance of a listed building, including through development displaying an inappropriate siting, scale, height, materials, design and form.
14. Under the terms of the Framework, the harm to the CA and setting of Peterson's Tower would be 'less than substantial'. Such a magnitude of harm should be balanced against the public benefits of the scheme. Other than the minor economic benefits from the construction of the building, there are no other public benefits which would outweigh the identified harm.

Other Matters

15. Whilst the existing buildings have been referred to as 'temporary', the stables appear to be alike many such buildings found elsewhere and their shortcomings from a construction or animal welfare perspective have not been made clear. Whilst the upgrading of the storage containers may be preferable, there was little evidence that the welfare of animals was compromised by the current site facilities or arrangements.
16. The appellant has also highlighted that permitted development rights (ordinarily conferred under the Town and Country Planning (General Permitted Development) Order 2015 (as amended)), could be used to change the building into an alternative use. I am not persuaded that such rights are so certain to apply that they indicate that permission should be granted in this case.
17. Whilst I note the substantial amount of support for the proposal from neighbouring residents, this does not outweigh the harm to the character and setting of the identified heritage assets and the need to ensure their preservation for the benefit of future generations.

Planning balance and conclusion

18. The proposal conflicts with the development plan, read as a whole. There are no considerations of sufficient materiality to outweigh the identified conflict.
19. For these reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR